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attorneys at law

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DATE: August 2, 2004

OFFICIAL

PLEASE DELIVER THE FOLLOWING PAGES:

TO: Mail Stop ISSUE FEE
Examiner: Todd E. MANAHAN
Art Unit: 3732

FAX: (703) 872-9306

FROM: K. Scott O'Brian

Direct Dial: (717) 237-5492

TOTAL NUMBER OF PAGES, INCLUDING THIS COVER LETTER: 19

MESSAGE:

Please acknowledge receipt of documents.

Certificate of Transmission under 37 CFR §1.8
Transmittal Form
Copy of Office Communication mailed July 13, 2004
Statement of Syngcuk Kim Pursuant to 37 CFR §1.48(a)(2)
Fee Transmittal (in duplicate)
Declaration and Power of Attorney executed by Teresa R. Hickok (copy of executed original, 1 page)
Declaration of Syngcuk Kim (copy of executed original, 1 page)
Power of Attorney of Syngcuk Kim (copy of executed original, 1 page)
Correction of Inventorship (2 pages)
Consent of Assignee to Correct The Inventive Entity Pursuant to 37 CFR §1.48(a)(5)
Statement Under 37 CFR §3.73(b) (copy of executed original, 3 pages – attachment includes Nunc Pro Tunc Assignment of Application executed by Teresa Hickock)

Attorney Docket No.: 08563-0140 (1)
Application No.: 10/067,155
Filed: February 4, 2002

FAX NUMBER: (717) 237-5300

PARALEGAL RESPONSIBLE: Kimberly A. Newell TELEPHONE: (717) 237-5239

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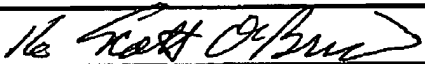
PTO/SB/21 (02-04)

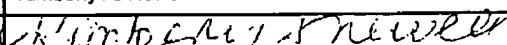
Approved for use through 07/31/2006. OMB 0851-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/067,155
		Filing Date	February 4, 2002
		First Named Inventor	HICKOK et al.
		Art Unit	3732
		Examiner Name	MANAHAN, TODD E.
Total Number of Pages in This Submission	19	Attorney Docket Number	08563-0140 (1)

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input checked="" type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Transmittal Form; Copy of Office Communication mailed July 13, 2004; Statement of Syngcuk Kim Pursuant to 37 CFR 1.48(a)(2); Fee Transmittal (in duplicate); Declaration and Power of Attorney executed by Teresa R. Hickok (copy of executed original, 1 page); See remarks.
Remarks Declaration of Syngcuk Kim (copy of executed original, 1 page); Power of Attorney of Syngcuk Kim (copy of executed original, 1 page); Correction of Inventorship (2 pages); Consent of Assignee to Correct The Inventive Entity Pursuant to 37 CFR 1.48(a)(5); Statement Under 37 CFR 3.73(b) (copy of executed original, 3 pages); (attached document verifying chain of title not recorded, Nunc Pro Tunc Assignment of Application executed by Teresa R. Hickok (copy of executed original, 2 pages))		
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT		
Firm or individual name	McNees Wallace & Nurick LLC K. Scott O'Brian	
Signature		
Date	August 2, 2004	

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Kimberly A. Newell		
Signature		Date	August 2, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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08563-0140
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Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/067,155	02/04/2002	Teresa R. Hickok	SDS-6CON	7321

26587 7590 07/13/2004
MCNEES, WALLACE & NURICK
100 PINE STREET
P.O. BOX 1166
HARRISBURG, PA 17108-1166

EXAMINER

MANAHAN, TODD E

ART UNIT PAPER NUMBER

3732

DATE MAILED: 07/13/2004

POSTED
7/23/04

Please find below and/or attached an Office communication concerning this application or proceeding.

DUE: 8/13/04

Application/Control Number: 10/067,155
Art Unit: 3732

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RSEPNSE

In the letter filed 16 June 2004, it appears applicant is attempting to add an inventor to the instant application and as such it will be treated as a Request to Correct Inventorship.

The request to correct the inventorship of this nonprovisional application under 37 CFR 1.48(a) is deficient because:

The statement of facts by an inventor or inventors to be added or deleted does not explicitly state that the inventorship error occurred without deceptive intent on his or her part or cannot be construed to so state.

An oath or declaration by each actual inventor or inventors listing the entire inventive entity has not been submitted. The oath filed 16 June 2004, not only was unsigned, but also did not name entire inventive entity.

It lacks the required fee under 37 CFR 1.17(i).

It lacks the written consent of any assignee of one of the originally named inventors. As it appears that a party required by 37 CFR 1.48(a)(2) to submit a statement of facts may not be willing to submit such statement, applicant should consider either: a) submission of a petition under 37 CFR 1.183 to waive that requirement if the original named inventor(s) has assigned the entire right and interest to an assignee who has given its consent to the requested inventorship correction, MPEP § 201.03, Verified Statement of Facts, or b) refiling the application (where addition is needed under 37 CFR 1.53(b) with a new oath or declaration and any necessary petition under 37 CFR 1.47, or where only deletion is needed, either under 37 CFR 1.53(b) utilizing a copy of a prior oath or declaration under 37 CFR 1.63(d)(1)(iv), or under 37 CFR 1.53(d)(design applications only), thereby eliminating the need for a 37 CFR 1.48 request.

For information regarding correction of inventorship, see MPEP 202.03.

Applicant is given a **TIME LIMIT** of **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction. **EXTENSIONS OF THIS TIME PERIOD MAY NOT BE GRANTED UNDER 37 CFR 1.136(a).**

Application/Control Number: 10/067,155
Art Unit: 3732

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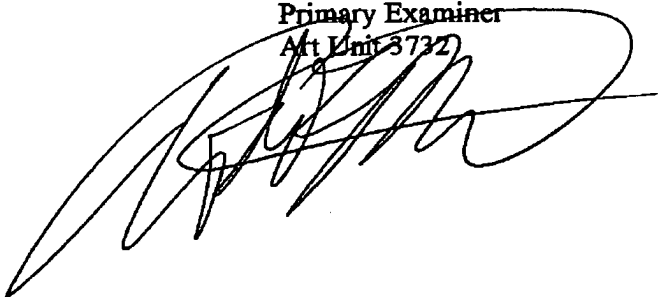
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Todd E. Manahan whose telephone number is 703 308-2695. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kevin Shaver can be reached on 703 308-2582. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

T.E. Manahan
8 July 2004

Todd E. Manahan
Primary Examiner
Art Unit 3732



PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**FEE TRANSMITTAL
for FY 2004**

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$) 130**Complete if Known**

Application Number	10/067,155
Filing Date	February 2, 2002
First Named Inventor	HICKOK et al.
Examiner Name	MANAHAN, TODD E.
Art Unit	3732
Attorney Docket No.	08563-0140 (1)

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money ☐ Other ☐ None☒ Deposit Account:Deposit
Account
Number

50-1059

Deposit
Account
Name

McNees Wallace & Nurick LLC

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of this application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.
FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	770	2001	385	Utility filing fee	
1002	340	2002	170	Design filing fee	
1003	530	2003	265	Plant filing fee	
1004	770	2004	385	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
0	0	0	0
0	0	0	0
0	0	0	0

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	86	2201	43	Independent claims in excess of 3
1203	280	2203	145	Multiple dependent claim, if not paid
1204	86	2204	43	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent
SUBTOTAL (2) (\$) 0				

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	420	2252	210	Extension for reply within second month	
1253	850	2253	475	Extension for reply within third month	
1254	1,480	2254	740	Extension for reply within fourth month	
1255	2,010	2255	1,005	Extension for reply within fifth month	
1401	330	2401	165	Notice of Appeal	
1402	330	2402	165	Filing a brief in support of an appeal	
1403	290	2403	145	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,330	2501	665	Utility issue fee (or reissue)	
1502	480	2502	240	Design issue fee	
1503	840	2503	320	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17 (q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	770	2809	385	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810	770	2810	385	For each additional invention to be examined (37 CFR § 1.129(b))	
1801	770	2801	385	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) Processing Fee under 37 CFR 1.17(i) (fee code 1808)					130.00

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130**SUBMITTED BY**

Name (Print/Type)	K. Scott O'Brian	Registration No. (Attorney/Agent)	42,946	Telephone	(717) 237-5492
Signature	<i>K. Scott O'Brian</i>	Date	August 2, 2004		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

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